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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SAM MADANI and XIAOLING  
TONG,

Plaintiffs,

v.

LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT, et al.,

Defendants.

2:12-CV-402 JCM (CWH)

**ORDER**

Presently before the court is defendant, Las Vegas Metropolitan Police Department's ("LVMPD"), motion to dismiss. (Doc. # 11). Plaintiffs have not filed a response. LVMPD filed a notice of non-opposition. (Doc. # 13).

Pursuant to Local Rule 7-2, an opposing party must file points and authorities in response to a motion and failure to file a timely response constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *See* LR IB 7-2(d); *United States v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir.

1 1986)).

2 In light of the plaintiffs' failure to respond and weighing the factors identified in *Ghazali*,  
3 the court finds dismissal of LVMPD appropriate.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion to  
6 dismiss (doc. #11) be, and the same hereby is, GRANTED. The case is hereby dismissed as to  
7 defendant Las Vegas Metropolitan Police Department without prejudice.

8 DATED November 15, 2012.

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11 UNITED STATES DISTRICT JUDGE  
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